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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,464	01/09/2006	Conny Larsson	1515-1037	6951
466	7590	09/03/2008	EXAMINER	
YOUNG & THOMPSON			SHECHTMAN, CHERYL MARIA	
209 Madison Street			ART UNIT	PAPER NUMBER
Suite 500			2169	
ALEXANDRIA, VA 22314				

  

MAIL DATE	DELIVERY MODE
09/03/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/534,464	LARSSON, CONNY	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHERYL M. SHECHTMAN	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                  |                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/11/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|                                                                                                                                  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This communication is in response to Preliminary Amendment filed May 11, 2005. Claims 1-5 are pending. Claim 6 has been cancelled. Claims 3-5 have been amended.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for data stored within a data source (Abstract; para 5 of instant specification) and programs managing user interaction (see para 7 of instant specification), does not reasonably provide enablement for interaction data. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "said presentation", "the user's own terminal", "the layout and protocol" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Referring to claim 1, the claim recites the limitation "..by placing a program that handles said presentation to the user in the user's own terminal which, in turn, is connected, via a server, to a data source that contains data;". However, it is unclear whether it is the terminal that is connected to the server.

Referring to claim 1, the claim recites the limitation "...a data source that contains data". However, it is unclear as to whether this data source is meant to refer to the data source previously recited as being in communication with a user.

Referring to claim 1, the claim recites the limitation "...in that the terminal handles data to and from the server". However, it is unclear as to whether the data is meant to refer to the same data from the data source previously recited in the claim.

Referring to claim 1, the claim recites the limitation "..when receiving information from a user". However, it is unclear as to whether the information is meant to refer to the data within the data source.

Referring to claim 1, the claim recites the limitation “..such that when receiving information from a user the program clears this information from the layout and protocol”. It is unclear as to whether the term “clears” is meant to indicate that the information is somehow removed or deleted from the layout and protocol, since solely interaction data is sent to the server and the data source as mentioned in the instant specification (para. 5).

The terms "the right presentation form" and “the correct user layout” in claim 1 are relative terms which render the claim indefinite. The terms "right" and “correct” are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 2 recites the limitations "the presentation handling program" and “the application” in the claim. There is insufficient antecedent basis for this limitation in the claim.

Referring to claim 5, the claim recites the limitation “when the program has been updated in the server”. However, this limitation lacks antecedent basis because there is no previous mention of any program in the server that is updated in claim 1 from which claim 5 depends. Examiner furthermore submits that the program as recited in claim 1 resides solely in the user terminal.

Due to the 35 USC 112 rejections, the claims have been examined as best understood by the examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by US PGPub 2002/0156815 by Davia, provided by the applicant.

Referring to claim 1, Davia discloses a method of establishing and carrying out communication between a data source and a user, where said communication is effected via a fixed or a mobile network (see Fig. 3; para. 18), characterised in by placing a program that handles said presentation to the user in the user's own terminal

which, in turn, is connected, via a server, to a data source that contains data ('Engine Frame' functions, Fig. 3, element 309; see also Fig. 3, elements 302, 303 and 306); and in that the terminal handles data to and from the server such that when receiving information from a user the program clears this information from the layout and protocol and sends to the server and further to the data source solely interaction data (para. 58-65), and, on the other hand, when receiving data from the data source places this data in a correct protocol for presentation to the user in the right presentation form and with the correct user layout (para. 62-64).

Referring to claim 2, Davia discloses that the presentation handling program is independent of the application used by the user (engine and control frames, para 54-56).

Referring to claim 3, Davia discloses that the program in the terminal also includes a dialogue facility which enables the facility to handle inputs from the user and to respond to the user without reverting back to the data source (para. 22 and 44).

Referring to claim 4, Davia discloses that the program is downloaded into the terminal from the server on its first time of use (para. 62).

Referring to claim 5, Davia discloses that when the program has been updated in the server, the updated program is downloaded from the server to the terminal when contact with the server is made subsequent to the program being updated (para. 58-64).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Shechtman who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl M Shechtman/

Examiner, Art Unit 2169

August 20, 2008

/Uyen T. Le/

Primary Examiner, Art Unit 2163